



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 26 2014

CERTIFIED MAIL 7012 1010 0001 8097 0436
RETURN RECEIPT REQUESTED

Mr. Clyde Black
Public Utilities Director
City of Buford
2300 Buford Highway
Buford, Georgia 30518

Re: Information Request Pursuant to Section 308 of the Clean Water Act,
National Pollution Discharge Elimination System Permit No.: GA0023167

Dear Mr. Black:

The purpose of this letter is to inform you that the U.S. Environmental Protection Agency Region 4 is currently investigating the City of Buford's publicly owned treatment works located in Buford, Georgia, for compliance with the requirements of Sections 301, 307(d) and 402 of the Clean Water Act (CWA), 33 U.S.C. §§ 1311, 1317(d) and 1342; the regulations promulgated thereunder at 40 C.F.R. Part 403; the Georgia pretreatment regulations; and National Pollution Discharge Elimination System Permit No.: GA0023167 issued by the State of Georgia.

Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that the City of Buford provide the information set forth in Enclosure A within 21 calendar days of your receipt of this letter.

The City of Buford's response should be submitted to:

Mr. David R. Phillips
U.S. Environmental Protection Agency Region 4
Water Protection Division
NPDES Permitting & Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

All information submitted must be accompanied by the following certification that is signed by a duly authorized company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including but not limited to the CWA, 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If the City of Buford believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

We appreciate your prompt attention to this matter. Should you have any questions regarding this letter, please contact Mr. David R. Phillips at (404) 562-9773. Legal inquiries should be directed to Ms. Mita Ghosh, Chief of the Office of Water Legal Support, at (404) 562-9568.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisse D. Diaz for".

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Lewis Hays
Georgia Environmental Protection Division

ENCLOSURE A

INFORMATION REQUEST PURSUANT TO SECTION 308 OF THE CLEAN WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the Question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the Question and subpart of the Question to which they are responsive.
5. In answering each Information Request Question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information unknown or unavailable to you as of the date of your submission of a response to this Information Request should later become known or available to you, then you must supplement your response to the EPA. If you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, then you must notify the EPA as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Question, you must respond to the Question by providing the information in writing.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained and their contact information.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question or who may be able to provide additional responsive documents, then identify such persons, their contact information, and the additional information or documents that they may have.
11. The EPA requests that all documents provided in an electronic format be compatible with pdf.
12. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.

13. If any Question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, then provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms “And” and “Or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term “Identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term “Identify” means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term “Identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term “publicly owned treatment works” or “POTW” means the POTW and its associated devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, as defined in 40 C.F.R. § 403.3(q), owned and/or operated by the City of Buford located in Gwinnett County, Georgia.
8. The term “wastewater treatment plant” or “WWTP” means the portion of the POTW known as the “Southside Water Pollution Control Plant” owned and/or operated by the City of Buford and located at 1201 Chatham Road in Buford, Gwinnett County, Georgia.
9. The term “You” and “Your” shall mean the City of Buford.
10. The term “Permit” shall mean National Pollution Discharge Elimination System (NPDES) Permit No. GA0023167 issued by the State of Georgia.
11. “Approval Authority” shall have the meaning set forth in 40 C.F.R. § 403.3(c).

Questions

1. The EPA is aware that the POTW has an Approved POTW Pretreatment Program (Pretreatment Program), as that term is defined in 40 C.F.R. § 403.3(d). Please provide:
 - a. A copy of the approval(s) for the currently implemented Pretreatment Program issued by the State of Georgia, which is the Approval Authority;
 - b. A copy of the corresponding Pretreatment Program submission(s) to the Approval Authority, as authorized under 40 C.F.R. § 403.9, which have received final approval(s) (e.g., sewer use ordinance, user permit, etc.); and
 - c. A copy of any submittals by the POTW to the Approval Authority for removal credits, as authorized by 40 C.F.R. § 403.11, and any associated notice(s) of approval or disapproval.
 - d. A copy of the pretreatment program Annual Reports for at least the past three years, or for the past five years if available, that were submitted by the POTW to the Approval Authority pursuant to 40 C.F.R. § 403.12(i), and copy of any other correspondence to or from the Approval Authority related to these Annual Reports.
 - e. A copy of the POTW's enforcement response plan(s) authorized by 40 C.F.R. § 403.8(f)(5) and in effect during the past five years.
2. Provide a timeline of any interference and/or pass-through event(s), as these terms are defined in 40 C.F.R. § 403.3, which the POTW's equipment that collects, transmits, or treats non-domestic discharge(s) has experienced in the last five years. For each such event, also provide:
 - a. The date/time the event began and ended and the equipment of the POTW system affected;
 - b. A discussion of the extent of the problems created for the POTW system, and/or the POTW's receiving waters;
 - c. A discussion of the investigation undertaken by the POTW to isolate the source(s), and any evidence which was collected and report(s) identifying the non-domestic source(s);
 - d. The POTW's NPDES Permit narrative or numerical conditions violated due to the event;
 - e. A discussion/evidence of the actions the POTW has independently taken under its local authority to enforce or address the problems caused by the non-domestic discharge(s), and
 - f. Copies of any written notices given to the Approval Authority concerning the event or the investigative findings.
3. Provide a schematic of the WWTP and explain its unit treatment processes and normal operating parameters for each unit. Identify the POTW's overall design flow, its average daily flow, and percent industrial loading for each of the last five years.
4. Provide summaries of the POTW's pollutant scans of the influent, effluent, and biosolids for each of the last five years. The influent and effluent summaries should identify (for each

sampling): the date sampled, the type of sample (grab/flow-proportional/time-proportional), the pollutant monitored (including whole effluent toxicity), the analytical results and units, and description of the collection location. For biosolids, the summary should identify: the date sampled, the pollutant monitored, the analytical results and units, the mass disposed and date, and the disposal location. The EPA prefers that these summaries be provided in an electronic spreadsheet format compatible with MS Excel.

5. If the POTW has surveyed its non-domestic users, identified pollutants of concern, identified the maximum allowable headworks loadings, identified maximum allowable industrial loadings or background loadings, pursuant to the EPA's Local Limits Development Guidance (7/2004); then please provide this information with the date and a detailed explanation of the most recent analyses.
6. Provide a current list of all known non-domestic users of the POTW system, identifying:
 - a. The WWTP to which they discharge and if they contribute there by a sewer connection or by land transport hauls;
 - b. Their street addresses;
 - c. Brief descriptions of their individual business operations;
 - d. Their estimated/actual average daily process flows; and
 - e. Whether each such user has a permit to discharge to the POTW. If so, then for each such permit provide the permit number(s), effective date(s), duration(s), and identify the applied standards (e.g., specified local limits, 433.17, etc.).

The EPA prefers that this list be provided in an electronic spreadsheet format compatible with MS Excel. Users known to only be supplying sanitary wastewater may be excluded.

7. Provide a copy of any inspection reports, notices of violations, administrative orders, cease and desist orders, and any related correspondence from State or federal agencies related to the POTW system for the last five years.
8. Provide a listing of any NPDES Permit violations of chronic whole effluent toxicity limitations from January 2009 to present, identifying each violation by date and identifying a comparison of the analytical results of vertebrate and invertebrate testing to the applicable requirement in the NPDES Permit. Provide a narrative summary detailing the investigative and/or other actions taken by the POTW to identify and correct the sources of the violations, including responses to any requests to submit a Toxicity Reduction Evaluation by the State of Georgia.
9. If upgrades have been completed, provide the written authorization by the State of Georgia to commence operation of the WWTP at 3.0 MGD, and the date that the WWTP began operating at 3.0 MGD.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

